

AGENDA ITEM #20

Consideration of request to amend 312 IAC to make technical corrections, including changing the address of the Division of Hearings, Natural Resources Commission; Administrative Cause Number 07-107A; LSA Document #07-486

The Natural Resources Commission is request to give preliminary adoption to rule amendments to make technical corrections and updates, including a new address for the anticipated move the Commission's Division of Hearings. A copy of the proposed amendments is set forth below.

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule
LSA Document #07-486

DIGEST

Amends 312 IAC to make numerous technical corrections to rules of the Natural Resources Commission, including changing the address of its Division of Hearings.

312 IAC 1-1-4
312 IAC 1-1-24
312 IAC 3-1-3
312 IAC 3-1-18
312 IAC 5-1-2
312 IAC 5-10-6
312 IAC 9-5-7
312 IAC 9-10-6
312 IAC 14-2-7
312 IAC 16-5-13

SECTION 1. 312 IAC 1-1-4 IS AMENDED TO READ AS FOLLOWS:

312 IAC 1-1-4 “Board” defined

Authority: IC 14-10-2-4

Affected: IC 14; IC 25

Sec. 4. “Board” means each of the following:

- (1) Advisory council ~~for the bureau of lands and cultural resources.~~
- ~~(2) Advisory council for the bureau of water and resource regulation refers to the~~
advisory council established by IC 14-9-6-1.
- ~~(3) (2) Board of trustees for the division of state museums and historic sites.~~
- ~~(4) (3) Commission.~~
- ~~(5) (4) Historic preservation review board.~~
- ~~(6) Soil conservation board.~~
- ~~(7) (5) Surface coal mine reclamation bond pool fund committee. (Natural Resources~~
Commission; 312 IAC 1-1-4; filed Dec 1, 1995, 10:00 a.m.: 19 IR 656; readopted filed May 8, 2001, 3:51 p.m.:24 IR 2895)

SECTION 2. 312 IAC 1-1-24 IS AMENDED TO READ AS FOLLOWS:

312 IAC 1-1-24 "Navigable" defined

Authority: IC 14-10-2-4

Affected: IC 4-21.5; IC 14-29-1-2; IC 25

Sec. 24. (a) “Navigable” means a waterway that has been declared to be navigable or a public highway by one (1) or more of the following:

- (1) A court.
- (2) The Indiana general assembly.
- (3) The United States Army Corps of Engineers.
- (4) The Federal Energy Regulatory Commission.

(5) A board of county commissioners under IC 14-29-1-2.

(6) The commission following a completed proceeding under IC 4-21.5.

(b) To assist in the administration of this title, a ~~"Roster of Indiana Waterways Declared Navigable" is set forth at 15 IR 2385.~~ **"Roster of Indiana Waterways Declared Navigable or Nonnavigable" is published at DIN: 20061011-IR-312060440NRA.** This roster is not dispositive of whether a waterway is or is not navigable. (*Natural Resources Commission; 312 IAC 1-1-24; filed Dec 1, 1995, 10:00 a.m.: 19 IR 658; readopted filed May 8, 2001, 3:51 p.m.: 24 IR 2895; readopted filed May 29, 2007, 9:42 a.m.: 20070613-IR-312070111RFA*)

SECTION 3. 312 IAC 3-1-3 IS AMENDED TO READ AS FOLLOWS:

312 IAC 3-1-3 Initiation of a proceeding for administrative review

Authority: IC 14-10-2-4; IC 25-31.5-3-8

Affected: IC 4-21.5-3-7; IC 4-21.5-3-8; IC 4-21.5-4; IC 14-34; IC 14-37-9; IC 25

Sec. 3. (a) A proceeding before the commission, under IC 4-21.5, as well as administrative review of a determination of the Indiana board of licensure for professional geologists or the Indiana board of registration for soil scientists, is initiated when one (1) of the following is filed with the Division of Hearings, ~~Indiana Government Center South, 402 West Washington Street, Room W272,~~ **Indiana Government Center-North, 100 North Senate Avenue, Room 501-E,** Indianapolis, Indiana **46204:**

(1) A petition for review under IC 4-21.5-3-7.

(2) A complaint under IC 4-21.5-3-8.

(3) A request for temporary relief under IC 14-34.

(4) A request to issue or for review of an issued emergency or other temporary order under IC 4-21.5-4.

(5) A request concerning an integration order under IC 14-37-9.

(6) An answer to an order to show cause under section 5 of this rule.

(7) A referral by the director of a petition for and challenge to litigation expenses under section 13(g) of this rule.

(b) As soon as practicable after the initiation of administrative review under subsection (a), the division director shall appoint an administrative law judge to conduct the proceeding. (*Natural Resources Commission; 312 IAC 3-1-3; filed Feb 5, 1996, 4:00 p.m.: 19 IR 1317; filed Oct 19, 1998, 10:12 a.m.: 22 IR 749; filed Dec 26, 2001, 2:42 p.m.: 25 IR 1543; filed Aug 29, 2002, 1:03 p.m.: 26 IR 8; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546*)

SECTION 4. 312 IAC 3-1-18 IS AMENDED TO READ AS FOLLOWS:

312 IAC 3-1-18 Petitions for judicial review

Authority: IC 14-10-2-4; IC 25-31.5-3-8

Affected: IC 4-21.5-5-8; IC 14; IC 25

Sec. 18. (a) A person who wishes to take judicial review of a final agency action entered under this rule shall serve copies of a petition for judicial review upon the persons described in IC 4-21.5-5-8.

(b) The copy of the petition required under IC 4-21.5-5-8(a)(1) to be served upon the ultimate authority shall be served at the following address:

Division of Hearings
Natural Resources Commission
~~Indiana Government Center South~~

~~402 West Washington Street, Room W272~~

Indiana Government Center-North

100 North Senate Avenue, Room 501-E

Indianapolis, Indiana 46204.

This address applies whether the commission or an administrative law judge is the ultimate authority.

(c) Where the department or the state historic preservation review board is a party to a proceeding under this rule, a copy of the petition required under IC 4-21.5-5-8(a)(4) to be served upon each party shall be served at the following address:

Director

Department of Natural Resources

Indiana Government Center-South

402 West Washington Street, Room W256

Indianapolis, Indiana 46204.

(d) Where the Indiana board of licensure for professional geologists is a party to a proceeding under this rule, a copy of the petition required under IC 4-21.5-5-8(a)(4) to be served upon each party shall be served at the following address:

Indiana State Geologist

Indiana University

611 North Walnut Grove

Bloomington, Indiana 47405-2208.

(e) Where the Indiana board of registration for soil scientists is a party to a proceeding under this rule, a copy of the petition required under IC 4-21.5-5-8(a)(4) to be served upon each party shall be served at the following address:

Office of Indiana State Chemist

Purdue University

1154 Biochemistry

West Lafayette, Indiana 47907-1154.

(f) The commission and its administrative law judge provide the forum for administrative review under this rule. Neither the commission nor the administrative law judge is a party.

(Natural Resources Commission; 312 IAC 3-1-18; filed Feb 5, 1996, 4:00 p.m.: 19 IR 1323; filed Oct 19, 1998, 10:12 a.m.: 22 IR 750; filed Dec 26, 2001, 2:42 p.m.: 25 IR 1544; filed Aug 29, 2002, 1:03 p.m.: 26 IR 9; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546)

SECTION 5. 312 IAC 5-1-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-1-2 Licensing functions; administrative review; addresses

Authority: IC 14-10-2-4; IC 14-11-2-1; IC 14-15-7-3

Affected: IC 4-21.5-1-15; IC 14

Sec. 2. (a) Unless otherwise specified, the division director (or a delegate of the division director) makes the initial determination for any license issued under this article.

(b) The address of the central office for the division is as follows:

Division of Law Enforcement

Department of Natural Resources

Indiana Government Center-South

402 West Washington Street, Room W255-D

Indianapolis, Indiana 46204

(c) The commission is the ultimate authority for the department under this article. A request to the commission for administrative review of an initial determination by the division of law enforcement must be addressed as follows:

Division of Hearings
Natural Resources Commission
~~Indiana Government Center South~~
~~402 West Washington Street, Room W272~~

Indiana Government Center-North
100 North Senate Avenue, Room 501-E
Indianapolis, Indiana 46204

(Natural Resources Commission; 312 IAC 5-1-2; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2364, eff Jan 1, 2002)

SECTION 6. 312 IAC 5-10-6 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-10-6 Huntington Lake (also known as J. Edward Roush Lake); special watercraft zones

Authority: IC 14-10-2-4; IC 14-11-2-1; IC 14-15-3-18; IC 14-15-7-3

Affected: IC 14

Sec. 6. The following zones are established for Huntington Lake (**also known as J. Edward Roush Lake**) where a person must not operate a watercraft in excess of idle speed:

- (1) On an embayment.
- (2) Within two hundred (200) feet of a shoreline.
- (3) Within the timbered area on the north side of the lake and downstream from County Road 200E.

- (4) Upstream from County Road 200E.

(Natural Resources Commission; 312 IAC 5-10-6; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2383, eff Jan 1, 2002)

SECTION 7. 312 IAC 9-5-7 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-5-7 Sale and transport for sale of reptiles and amphibians native to Indiana

Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17

Affected: IC 14-22; IC 20-19-2-8; IC 20-19-2-10

Sec. 7. (a) This section governs the:

- (1) sale;
 - (2) transport for sale; or
 - (3) offer for sale or transport for sale;
- of any reptile or amphibian native to Indiana regardless of place of origin.

(b) Except as otherwise provided in this section and in section 6(g) of this rule, the sale, transport for sale, or offer to sell or transport for sale of a reptile or amphibian native to Indiana is prohibited. A person must not sell a turtle, regardless of species or origin, with a carapace less than four (4) inches long, except for a valid scientific or educational purpose that is associated with one (1) of the following:

- (1) A federal, state, county, city, or similar governmental agency that is engaged in scientific study or research.
- (2) A scientific research organization.
- (3) An accredited museum or institution of higher learning.
- (4) An individual working in cooperation with a:
 - (A) college;
 - (B) university; or
 - (C) governmental agency.

(5) A private company under a contract for scientific or educational purposes.

(c) As used in this rule, “reptile or amphibian native to Indiana” means those reptiles and amphibians with the following scientific names, including common names for public convenience, but the scientific names control:

- (1) Hellbender (*Cryptobranchus alleganiensis*).
- (2) Common mudpuppy (*Necturus maculosus*).
- (3) Streamside salamander (*Ambystoma barbouri*).
- (4) Jefferson salamander (*Ambystoma jeffersonianum*).
- (5) Blue-spotted salamander (*Ambystoma laterale*).
- (6) Spotted salamander (*Ambystoma maculatum*).
- (7) Marbled salamander (*Ambystoma opacum*).
- (8) Mole salamander (*Ambystoma talpoideum*).
- (9) Smallmouth salamander (*Ambystoma texanum*).
- (10) Eastern tiger salamander (*Ambystoma tigrinum tigrinum*).
- (11) Eastern newt (*Notophthalmus viridescens*).
- (12) Green salamander (*Aneides aeneus*).
- (13) Northern dusky salamander (*Desmognathus fuscus*).
- (14) Southern two-lined salamander (*Eurycea cirrigera*).
- (15) Longtailed salamander (*Eurycea longicauda*).
- (16) Cave salamander (*Eurycea lucifuga*).
- (17) Four-toed salamander (*Hemidactylium scutatum*).
- (18) Northern redback salamander (*Plethodon cinereus*).
- (19) Northern zigzag salamander (*Plethodon dorsalis*).
- (20) Northern ravine salamander (*Plethodon electromorphus*).
- (21) Northern slimy salamander (*Plethodon glutinosus*).
- (22) Red salamander (*Pseudotriton ruber*).
- (23) Lesser siren (*Siren intermedia*).
- (24) Eastern spadefoot toad (*Scaphiopus holbrookii*).
- (25) American toad (*Bufo americanus*).
- (26) Fowler’s toad (*Bufo fowleri*).
- (27) Northern cricket frog (*Acris crepitans*).
- (28) Cope’s gray treefrog (*Hyla chrysoscelis*).
- (29) Green treefrog (*Hyla cinerea*).
- (30) Eastern gray treefrog (*Hyla versicolor*).
- (31) Spring peeper (*Pseudacris crucifer*).
- (32) Southeastern chorus frog (*Pseudacris feriarum*).
- (33) Western chorus frog (*Pseudacris triseriata*).
- (34) Crawfish frog (*Rana areolata*).
- (35) Plains leopard frog (*Rana blairi*).
- (36) Bullfrog (*Rana catesbeiana*).
- (37) Green frog (*Rana clamitans*).
- (38) Northern leopard frog (*Rana pipiens*).
- (39) Pickerel frog (*Rana palustris*).
- (40) Southern leopard frog (*Rana utricularia*).
- (41) Wood frog (*Rana sylvatica*).
- (42) Eastern snapping turtle (*Chelydra serpentina serpentina*).
- (43) Smooth softshell turtle (*Apalone mutica*).
- (44) Spiny softshell turtle (*Apalone spinifera*).
- (45) Alligator snapping turtle (*Macrochelys temminckii*).
- (46) Eastern mud turtle (*Kinosternon subrubrum*).
- (47) Stinkpot turtle (*Sternotherus odoratus*).

- (48) Midland painted turtle (*Chrysemys picta marginata*).
- (49) Western painted turtle (*Chrysemys picta bellii*).
- (50) Spotted turtle (*Clemmys guttata*).
- (51) Blanding's turtle (*Emydoidea blandingii*).
- (52) Common map turtle (*Graptemys geographica*).
- (53) False map turtle (*Graptemys pseudogeographica*).
- (54) Ouachita map turtle (*Graptemys ouachitensis*).
- (55) Hieroglyphic river cooter (*Pseudemys concinna*).
- (56) Eastern box turtle (*Terrapene carolina*).
- (57) Ornate box turtle (*Terrapene ornata*).
- (58) Red-eared slider (*Trachemys scripta elegans*).
- (59) Eastern fence lizard (*Sceloporus undulatus*).
- (60) Slender glass lizard (*Ophisaurus attenuatus*).
- (61) Six-lined racerunner (*Cnemidophorus sexlineatus*).
- (62) Five-lined skink (*Eumeces fasciatus*).
- (63) Broadhead skink (*Eumeces laticeps*).
- (64) Ground skink (*Scincella lateralis*).
- (65) Eastern worm snake (*Carphophis amoenus*).
- (66) Scarlet snake (*Cemophora coccinea*).
- (67) Racer (*Coluber constrictor*).
- (68) Kirtland's snake (*Clonophis kirtlandii*).
- (69) Ringneck snake (*Diadophis punctatus*).
- (70) Midland rat snake, also known as the black rat snake (*Elaphe spiloides*).
- (71) Western rat snake (*Elaphe obsoleta*).
- (72) Western fox snake (*Elaphe vulpina*).
- (73) Mud snake (*Farancia abacura*).
- (74) Eastern hognose snake (*Heterodon platirhinos*).
- (75) Prairie king snake (*Lampropeltis calligaster calligaster*).
- (76) Black king snake (*Lampropeltis getula nigra*).
- (77) Eastern milk snake (*Lampropeltis triangulum triangulum*).
- (78) Red milk snake (*Lampropeltis triangulum sypila*).
- (79) Copperbelly water snake (*Nerodia erythrogaster*).
- (80) Diamondback water snake (*Nerodia rhombifer*).
- (81) Northern water snake (*Nerodia sipedon*).
- (82) Rough green snake (*Opheodrys aestivus*).
- (83) Smooth green snake (*Opheodrys vernalis*).
- (84) Bull snake (*Pituophis catenifer sayi*).
- (85) Queen snake (*Regina septemvittata*).
- (86) Brown snake (*Storeria dekayi*).
- (87) Red-bellied snake (*Storeria occipitomaculata*).
- (88) Southeastern crowned snake (*Tantilla coronata*).
- (89) Butler's garter snake (*Thamnophis butleri*).
- (90) Western ribbon snake (*Thamnophis proximus*).
- (91) Plains garter snake (*Thamnophis radix*).
- (92) Eastern ribbon snake (*Thamnophis sauritus*).
- (93) Common garter snake (*Thamnophis sirtalis*).
- (94) Smooth earth snake (*Virginia valeriae*).
- (95) Northern copperhead (*Agkistrodon contortrix*).
- (96) Cottonmouth (*Agkistrodon piscivorus*).
- (97) Timber rattlesnake (*Crotalus horridus*).
- (98) Massasauga (*Sistrurus catenatus*).

- (d) As used in this section, “sale” means either of the following:
- (1) Barter, purchase, trade, or offer to sell, barter, purchase, or trade.
 - (2) Serving as part of a meal by a restaurant, a hotel, a boarding house, or the keeper of an eating house. However, a hotel, a boarding house, or the keeper of an eating house may prepare and serve during open season to:
 - (A) a guest, patron, or boarder; and
 - (B) the family of the guest, patron, or boarder;
- a reptile or amphibian legally taken by the guest, patron, or boarder during the open season.
- (e) As used in this section, “transport” means:
- (1) to move, carry, or ship by any means; and
 - (2) for any common or contract carrier knowingly to move, carry, or receive for shipment; a wild animal protected by law.
- (f) A reptile or amphibian that is not on a state or federal endangered or threatened species list and with a color morphology that is:
- (1) albinistic (an animal lacking brown or black pigment);
 - (2) leucistic (a predominately white animal); or
 - (3) xanthic (a predominately yellow animal);
- is exempted from this section if it was not collected from the wild.
- (g) The following are exempted from this section:
- (1) An institution governed by, and in compliance with, the Animal Welfare Act (7 U.S.C. 2131, et seq.) and 9 CFR 2.30 through 9 CFR 2.38 (January 1, 1998 edition). To qualify for the exemption, the institution must have an active Assurance of Compliance on file with the Office for the Protection of Risk, U.S. Department of Health and Human Services.
 - (2) A sale made under a reptile captive breeding license governed by section 9 of this rule.
 - (3) The sale to and purchase of reptiles or amphibians by a:
 - (A) public school accredited under IC 20-19-2-8; or
 - (B) nonpublic school **recognized under IC 20-19-2-10 and** accredited under IC 20-19-2-8 ~~and IC 20-19-2-10~~.This exemption does not authorize the sale of reptiles or amphibians by a public school or a nonpublic school.
 - (4) The sale and purchase of a:
 - (A) bullfrog (*Rana catesbeiana*) tadpole; or
 - (B) green frog (*Rana clamitans*) tadpole;produced by a resident holder of a hauler and supplier permit or an aquaculture permit if the tadpole is a byproduct of a fish production operation. As used in this subdivision, “tadpole” means the larval life stage of a frog for the period in which the tail portion of the body is at least one (1) inch long.
- (h) A person who is transporting native reptiles and amphibians in interstate commerce, to be sold outside Indiana, is exempted from this section. (*Natural Resources Commission; 312 IAC 9-5-7; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3673; errata filed Oct 26, 1999, 2:40 p.m.: 23 IR 589; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1535; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 543; filed May 25, 2005, 10:15 a.m.: 28 IR 2948; filed Jul 11, 2006, 9:04 a.m.: 20060802-IR- 312060009FRA; filed Jan 8, 2007, 9:11 a.m.: 20070207-IR-312060193FRA*)

SECTION 8. 312 IAC 9-10-6 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-6 Scientific purposes licenses

Authority: IC 14-22-2-6; IC 14-22-22

Affected: IC 4-21.5; IC 14-22-22-2; IC 20-20-2-2

Sec. 6. (a) An application for a scientific purposes license shall be made on a departmental form and include the following information:

- (1) The purpose for collection.
- (2) The species and number of the species to be collected.
- (3) The location and any method of collection.
- (4) The intended administration of any drug, vaccine, steroid, micro-organism, or other chemical to the wild animal to be collected.

(5) The intended treatment of the wild animal collected, including the use bacterial or other markers and any proposed genetic modification.

(6) The disposition of any wild animal or nest or egg of a wild bird to be collected.

(b) A license issued under this section is subject to the specifications set forth in the application and to terms, conditions, and restrictions on the license. The director may condition the license according to any of the following terms:

- (1) The kind and number of specimens that may be taken.
- (2) The type of methods used.
- (3) The time and seasons for take.
- (4) The areas where take may occur.
- (5) The use and disposition of the wild animal or nest or egg of a wild bird held, treated, or taken under this rule.

(6) Contingent upon the applicant receiving and possessing a valid license from the United States Fish and Wildlife Service under 50 CFR 17.22, 50 CFR 17.32, 50 CFR 21.22, 50 CFR 21.23, and 50 CFR 21.27 for any of the following:

- (A) A migratory bird.
- (B) The nest or egg of a migratory bird; or
- (C) A federally endangered or threatened species of wild animal.
- (c) The license holder must carry the license and any amendments to the license when conducting any activity authorized by the license.

(d) The director may amend the conditions of a license at any time upon written notification to the license holder. A notice under this subsection is subject to IC 4-21.5.

(e) The director may issue a license only to a properly accredited person who will collect the wild animal or nest or egg of a wild bird for a scientific purpose, including scientific education. The applicant must meet at least one (1) of the following requirements:

- (1) Hold a bachelor's degree in the biological sciences or related field that the director deems appropriate for the purpose outlined in the application.
- (2) Be currently pursuing a bachelor's degree in the biological sciences or related field that the director deems appropriate for the purpose outlined in the application.
- (3) Hold a federal permit for the purpose indicated in the application.
- (4) Be requested by an accredited educational or scientific institution to perform this activity for the institution. The institution must present a valid and compelling need for the applicant to perform the activity covered by this license for the institution.
- (5) Be sponsored by the department to perform the activity for the protection and regulation of wild animal populations.

The original application form submitted for the taxonomic group indicated on the application must be signed by two (2) scientists that have a degree in the biological sciences attesting to the character, academic and scientific accomplishments, and fitness of the applicant. An applicant currently pursuing a bachelor's degree must obtain the signature of a faculty biologist for that taxonomic group.

(f) An applicant must be affiliated with one (1) of the following institutions:

- (1) A public school accredited under ~~IC 20-1-1-6~~ **IC 20-19-2-8**, a nonpublic school **recognized under IC 20-19-2-10 and** accredited under ~~IC 20-1-1-6 or IC 20-1-1-6.2~~ **IC 20-19-2-8**, or a college or university.
 - (2) A federal, state, city, county, or similar government agency associated with a biological or scientific area of study or research.
 - (3) A nonprofit educational organization with an exemption from federal income tax under 26 U.S.C. 501(c)(3). The educational organization must be associated with a biological or scientific area of study or research. The applicant must provide written documentation to the department certifying that tax exemption status has been achieved under 26 U.S.C. 501(c)(3).
 - (4) A scientific research organization, accredited museum, or institution of higher learning, consulting firms, individuals working in cooperation with a college, university, or government agency, or private company under a contract for scientific or educational purposes.
 - (g) The applicant must ensure compliance with monitoring, tagging, and reporting requirements for all extra-label drug use as required in 21 CFR 530, et seq. (1998). Documentation in the form of written approval from a licensed veterinarian or approval from a university animal care and use committee to use the drug or chemical for the purposes intended must be submitted with the application form.
 - (h) The sale or transport for sale and offer to sell or transport to sell an animal or a part of an animal held under the authority of this license is prohibited. As used in this subsection, "sale" includes barter, purchase, or trade or the offer to sell, barter, purchase, or trade.
 - (i) A license issued under this section is not transferable. A person may assist the license holder if the license holder is present and oversees the activities of the person.
 - (j) The license holder must obtain permission from the landowner or public land property manager to conduct an activity authorized by a license issued under this section. For an activity to be conducted on lands owned or operated by a federal, state, or local agency, the license holder must also comply with the conditions imposed by the property manager or the designee of the property manager.
 - (k) A license expires on December 31 of the year the license is issued. A report of the collection must be supplied within sixty (60) days after the expiration of the license and contain the following information:
 - (1) Any species collected.
 - (2) The date on which a wild animal or nest or egg of a wild bird was collected.
 - (3) A description of the location of the collection site.
 - (4) The number of each species collected.
 - (5) The treatments and markings, if any, of any wild animal collected.
 - (6) The disposition of any wild animal or nest or egg of a wild bird collected.
- The department shall not renew a license unless a properly completed report is received in a timely fashion.
- (l) A license may be suspended, denied, or revoked under IC 4-21.5 if the license holder:
 - (1) fails to comply with a provision of a license issued under this section;
 - (2) fails to comply with IC 14-22-22-2;
 - (3) provides false information on the license application and report;
 - (4) fails to establish that the collection or release of a wild animal would not threaten the welfare of the wild animal population or the people;
 - (5) collects or releases a specimen that is likely to threaten the welfare of the wild animal population; or
 - (6) collects or releases a specimen that is likely to threaten the welfare of the people.

(Natural Resources Commission; 312 IAC 9-10-6; filed May 12, 1997, 10:00 a.m.: 20 IR 2729; filed Nov 15, 2002, 3:42 p.m.: 26 IR 1069; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

SECTION 9. 312 IAC 14-2-7 IS AMENDED TO READ AS FOLLOWS:

312 IAC 14-2-7 “Division of hearings” defined

Authority: IC 25-36.5-1-9

Affected: IC 25-36.5-1

Sec. 7. “Division of hearings” refers to the division of hearings of the commission. The address for the division of hearings is as follows:

Division of Hearings

Natural Resources Commission

~~Indiana Government Center South~~

~~402 West Washington Street, Room W272~~

Indiana Government Center-North

100 North Senate Avenue, Room 501-E

Indianapolis, Indiana 46204

(Natural Resources Commission; 312 IAC 14-2-7; filed May 27, 1997, 3:50 p.m.: 20 IR 2745; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

SECTION 10. 312 IAC 14-2-7 IS AMENDED TO READ AS FOLLOWS:

312 IAC 16-5-13 Disposal of salt water and other waste liquids

Authority: IC 14-37-3

Affected: IC 14-28-1; IC 14-28-3; IC 14-37

Sec. 13. (a) To prevent surface or underground pollution, ~~no person shall~~ **a person must not** dispose of a fluid that results from the development or production of a well for oil and gas purposes except as approved by the division.

(b) Evaporation pits are prohibited.

(c) A pit may be authorized under a permit for oil and gas purposes for backwash water, for emergency use, or in connection with a Class II well, if the pit:

(1) is surrounded by walls that prevent the entry of surface drainage from adjacent areas;

(2) is located at least one hundred (100) feet from any stream, river, lake, or drainage way;

(3) conforms ~~with to~~ IC 14-28-1, IC 14-28-3, and ~~310 IAC 6-1~~ **312 IAC 10** and is constructed to prevent flooding during a regulatory flood;

(4) is constructed according to plans approved by the division, including the placement of an impermeable liner, and is found by a commission representative to conform to the plans before utilization;

(5) is maintained so that the level of contained fluids in the pit are kept at least two (2) feet below the top of the pit wall having the lowest elevation; and

(6) conforms to all other requirements of law, including those pertaining to Class II wells.

(d) Fluids shall be removed from an emergency pit as soon as the emergency can be abated. Construction or maintenance of a pit other than as provided in subsection (c) and this subsection may result in revocation of any permit for oil and gas purposes associated with the pit.

(e) Any pipe that conveys water or a fluid from or to a well for oil and gas purposes shall be kept in good repair and free from leaks. No discharge of water or a fluid shall occur between the place of origin and the authorized place of disposal. *(Natural Resources Commission; 312 IAC 16-5-13; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2342; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315)*

AGENDA ITEM #20